

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

In re:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	

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**MOTION TO SUSPEND CERTAIN ADVERSARY PROCEEDING DEADLINES**

James A. Knauer, the Chapter 11 trustee appointed in this case ("Trustee") for Eastern Livestock Co., LLC, ("Debtor") files his *Motion To Suspend Certain Adversary Proceeding Deadlines* ("Motion"). In support of the Motion, the Trustee respectfully states as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157(b)(2) and 1334.
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

**BACKGROUND**

3. Certain petitioning creditors commenced the above-captioned Chapter 11 case against the Debtor on December 6, 2010 by filing an involuntary petition for relief under Chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Southern District of Indiana, New Albany Division ("Court"). This Court entered an *Order For Relief In An Involuntary Case And Order To Complete Filing* [Docket No. 110] on December 28, 2010.
4. On December 27, 2010, the Court entered an *Order Approving The Appointment Of James A. Knauer As Chapter 11 Trustee* [Docket No. 102] pursuant to 11 U.S.C. § 1104.
5. On January 22, 2013, the Trustee filed his *Motion For Order Establishing Procedures For Certain Adversary Proceedings* ("Procedures Motion") [Docket No. 1741], whereby the Trustee requested entry of an order establishing streamlined procedures in certain

adversary proceedings ("Procedures Order"). The Procedures Motion is currently set for hearing before this Court on March 13, 2013.

6. As of the date of this Motion, the Trustee has filed in excess of sixty (60) adversary proceedings where the Trustee's claims and causes of action include the potential avoidance of transfers arising under 11 U.S.C. § 547 ("Preference Actions"). A list of the Preference Actions to be addressed by this Motion and of each defendant is attached hereto and incorporated herein by reference as Exhibit A. The Trustee also has commenced other actions under Chapter 5 of the Bankruptcy Code that he intentionally omits from the Preference Actions, as defined herein, based generally in the complexity of the actions, the inclusion of claims that do not arise under Chapter 5, and/or where one or more of the named defendants is an insider of the Debtor.

#### **SUMMARY OF RELIEF REQUESTED**

7. The Trustee seeks entry of an order, substantially in the form attached as Exhibit B hereto ("Order"), suspending certain of the case deadlines of the Preference Actions.

8. Shortly after the commencement of the Preference Actions, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, the Clerk of Court issued *Preliminary Pretrial Orders* ("Pretrial Orders") in each of the Preference Actions setting an answer date for each defendant ("Complaint Response Date") and telephonic pretrial conferences ("Pretrial Conferences").

9. Bankruptcy Rule 7004(e) requires that service of initial process be made upon the named defendant(s) within fourteen (14) days after the Summons is issued, and the Trustee has effected service on the defendants.

10. The Pretrial Orders direct certain disclosures to be made pursuant to Rule 26 of the Federal Rules of Civil Procedure and establish other pretrial deadlines ("Pretrial Requirements").

11. By this Motion, the Trustee seeks to suspend the Pretrial Requirements and the Pretrial Conferences pending entry of an order on the Procedures Motion, which is currently set for hearing before this Court on March 13, 2013.

12. The Procedures Motion and the Procedures Order provide, in part, for the setting of omnibus telephonic pretrial conferences for all Preference Actions and streamlined procedures related thereto. Accordingly, suspension of the Pretrial Requirements and the Pretrial Conferences pending resolution of the Procedures Motion will conserve judicial resources and resources of the parties to the Preference Actions.

13. The Trustee requests that the Complaint Response Date specified in each of the Pretrial Orders not be affected by this Motion. The Trustee requests that the Order on this Motion provide that if a defendant fails to contact the Trustee to request an extension of the Complaint Response Date, or otherwise fails to timely answer or respond in accordance with the Pretrial Orders or applicable rules, the Trustee shall not be precluded from seeking entry of default judgment in a Preference Action or seeking any other relief to which he may be entitled.

14. A copy of this Motion will be served on all counsel of record in the above-captioned Chapter 11 case, all defendants in the Preference Actions, and all counsel who have filed appearances in the Preference Actions as of the date of this Motion.

WHEREFORE, the Trustee respectfully requests entry of an Order, substantially in the form attached hereto as Exhibit B, suspending the Pretrial Requirements and Pretrial Conferences, and granting such further relief as the Court deems appropriate.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 1, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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